

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION**

In Re Application of:)	
)	
CARLOS VITERI,)	NO. 08 - CV - 50031
)	
Petitioner,)	Judge Frederick J. Kapala
)	
vs.)	
)	
GABRIELLA MARIA PFLUCKER,)	
)	
Respondent.)	

RESPONDENT GABRIELLA PFLUCKER'S MOTION TO DISMISS

Gabriella Pflucker, by her attorney, Robert M. Fagan, moves pursuant to Federal Rules of Civil Procedure 12(b)(1) to dismiss the Petition For Return Of Child Under The Hague Convention for lack of subject-matter jurisdiction.

The basis for the motion is set forth in the accompanying memorandum of law.

Respectfully submitted,

Gabriella Maria Pflucker

By:

/S
Robert M. Fagan_
Attorney for Respondent

The Law Offices of Robert M. Fagan, Ltd.
210 Lincoln Douglas Center
10 North Galena Avenue
Freeport, IL 61032
815.233.5800
815.232.5500 Facsimile
Fagan@prodigy.net

CERTIFICATE OF FILING AND SERVICE

I, Robert M. Fagan, certify that on March 31, 2008, in accordance with FED. R. CRIM. P. 49, FED. R. CIV. P. 5, LR 5.5, and the General Order on Electronic Case Filing (ECF), the following document:

Respondent Gabriella Pflucker's Motion to Dismiss

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Hon. Frederick J. Kapala, Judge
United States District Court
Northern District of Illinois
211 South Court Street
Rockford, Illinois 61101

/S
ROBERT M. FAGAN
Attorney for the Respondent